Docket No.: 1793.1189

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Hai JIN et al.

Serial No. 10/763,422   Group Art Unit: 2443

Confirmation No. 4539

Filed: January 26, 2004   Examiner: Mark D. FEARER

For: VIDEO SPLITTING AND DISTRIBUTED PLACEMENT SCHEME FOR CLUSTERED
        VIDEO SERVERS

PRE-APPEAL BRIEF CONFERENCE REQUEST

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants respectfully request review of the rejections in the Final Office Action mailed October 2, 2009 in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

Claims 1-27 are pending.

Claims 1, 5-7, 11, 14, 18-20, 24 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,668,948 to Belknap et al. in view of U.S. Publication No. 2002/0145702 to Kato et al. and further in view of U.S. Patent No. 4,680,630 to Field. Claims 2, 4, 9, 10, 12, 13, 15, 17, 22, 23, 25 and 26 were rejected under 35 U.S.C. §103(a) as being unpatentable over Belknap, Kato, Field and U.S. Publication No. 2003/0236912 to Klemets et al. Claims 3, 8, 16 and 21 were objected to as being allowable if rewritten in independent form. A pre-appeal brief panel review of the identified appealable issue is requested.

I. Belknap in view of Kato and Field

        a.   "processing a client's requirements to obtain a splitting requirement of the streaming media source files into clip files,... the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting"

The Examiner conceded that Belknap does not discuss or suggest processing a client's requirements to obtain a splitting requirement of streaming media source files into clip lines, the splitting requirement being one of clip placement based on clip time and clip placement based on quantity of clip splitting. The Examiner indicates that Kato and Field make up for the deficiencies in Belknap. The Applicants respectfully disagree.

i. Kato

Kato does not discuss or suggest processing <u>a client's requirements</u> to obtain a splitting requirement, where the splitting requirement is one of clip placement based on clip time and clip placement based on quantity of clip splitting. Kato discusses at paragraph 0159, for example, that a user is able to edit an AV stream by specifying a playback domain for the AV stream recorded on the recording medium 100. For example, if it is desired to create a playback route of reproducing a portion sung by a singer A from a song portion and a portion sung by singer A from a song portion B, the user is able to do so.

Kato does not suggest processing a client's requirements to obtain a splitting requirement of the manner in which the media source files are split into clip files. In particular, while Kato discusses editing an AV stream based on, for example, a user's desire to play specific clips over a specified period of time, Kato does not discuss or suggest processing a client's requirements to obtain a splitting requirement for <u>how</u> to split the media source files, where the splitting requirement is one of clip placement based on clip time or clip placement based on quantity of clip splitting. Kato only discusses that the user decides how an AV stream should be edited, but there is no indication that the a client's requirements are analyzed to obtain a splitting requirement of how to split the media source files into clip files – i.e., whether the media source files should be split by time or should be split by clip quantity. The user in Kato merely decides how to split the AV stream. Kato does not suggest processing the client's requirements to determine how the media source files should be split.

The manner in which the streaming video source is split in the present invention, on the other hand, is based on the user's requirements. Thus, the streaming media is divided based on the same time length or the same space size, depending on the needs of the user. The user in

Kato merely decides how to edit an AV stream. Kato does not, however, suggest the requirement for <u>how</u> to split the media source files.

The Examiner cites portions of Kato that generally disclose the apparatus and generally disclose splitting a file into clip files, but none of the cited portions of Kato discuss a splitting requirement that is one of clip placement based on clip time and clip placement based on quantity of clip splitting for how to split the files. Merely noting that a video file can be split into clips is not obtaining a splitting requirement based on a client's requirements.

> b. "...to obtain a splitting requirement of the streaming media source files into clip files, the splitting requirement being the manner in which the media source files are split"

Although a splitting requirement is inherently the manner in which media source files are split, the Examiner concedes that neither Belknap nor Kato, alone or in combination, suggest obtaining a splitting requirement which is the manner in which the media source files are split. The Examiner indicates that Field makes up for the deficiencies in Belknap and Kato. The Applicants respectfully disagree.

i. Field

Field is directed to a system of producing <u>a television image</u> by line and field sequential scanning. Field discusses splitting a video input signal into samples to be used in producing the television picture.

Splitting a video input signal into samples to be used in creating a television picture is not splitting <u>streaming</u> media source files into <u>clip files</u>. The splitting concept in Field is only directed to how to produce a picture and <u>not</u> how to split streaming files.

A clip file is a segment of an entire streaming media file itself. Thus, Field is not directed to generating clip files, but is directed to generating samples (field 1 odd samples, field 1 even samples, field 2 odd samples, field 2 even samples) used to produce a television image. The samples in Field are not segments of an entire streaming media file and are thus not "clip files," as one of <u>ordinary skill in the art</u> would recognize.

In contrast, the present invention obtains a splitting requirement of the manner in which clip files are to be split in order to determine whether clip placement should be based on clip time or whether it should be based on quantity of clip splitting. As the present invention analyzes a client's requirements, the present invention therefore determines what the splitting requirement

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of splitting the media source files into clip files should be (i.e., based on clip time v. based on quantity of clip splitting).

    c. "...defining a split files placement strategy, according to the client's requirements"

Neither Belknap, Kato nor Field suggest defining a split files placement strategy according to the client's requirements. Belknap, Kato and Field do not analyze a client's requirements. Thus, neither Belknap, Kato nor Field is able to define a split files placement strategy according to client's requirements because the client's requirements are not processed to determine what it is the client needs (i.e., is it preferential for the client to utilize a splitting method based on time or based on space).

    d. Apparent Reasons for Combining Belknap, Kato and Field

        i. Belknap and Kato

The Examiner alleges that it would have been predictable to incorporate Kato into Belknap, because "one skilled in the art would have readily recognized a system and method of producing quality streaming video." "[To] produc[e] quality streaming video" does not suggest why one of <u>ordinary skill in the art</u> would have combined the teachings of Belknap and Kato. Merely reciting that "one skilled in the art would have readily recognized a system and method of producing quality streaming video" does not establish a *prima facie* case of obviousness.

        ii. Belknap, Kato and Field

The Examiner alleges that Belknap, Kato and Field should be combined because "one of ordinary skill in the art would have readily recognized a system and method for processing digital video signal to produce sequential scanning." The Applicants respectfully disagree.

"To produce sequential scanning" is an apparent reason for producing a television image, for example, by generating samples (field 1 odd samples, field 1 even samples, field 2 odd samples, field 2 even samples). However, Belknap and Kato are directed to streaming media and clip files, while Field is directed to producing a television image and is <u>not</u> directed to splitting <u>streaming</u> media files into clip files. Thus, "[t]o produce sequential scanning" <u>does not provide an apparent reason with rational underpinning </u>as to why Belknap and Kato should be modified to suggest obtaining a splitting requirement of streaming media source files into clip files, the splitting requirement being the manner in which the media source files are split, the splitting requirement being one of clip placement based on clip time and clip placement based

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on quantity of clip splitting, particularly because Field is not directed to splitting media source files into clip files.

Therefore, claims 1, 5-7, 11, 14, 18-20, 24 and 27 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.

II.   Belknap, Kato, Field and Klemets

Klemets fails to make up for the deficiencies in Belknap, Kato and Field.

Therefore, claims 2, 4, 9, 10, 12, 13, 15, 17, 22, 23, 25 and 26 patentably distinguish over the references relied upon. Accordingly, withdrawal of the § 103(a) rejection is respectfully requested.
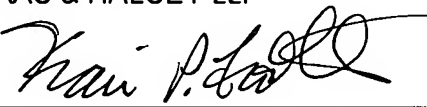
Conclusion

In accordance with the foregoing, claims 1-27 are pending and under consideration.

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited. Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters. If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 2, 2010   By: _____

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